

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**NANCY MARTIN and,  
MARY BETH BRACKIN,**

**Plaintiffs,**

**v.**

**) Case No. 1:05-CV-1172-MEF**

**CITY OF DOTHAN and  
JUDGE ROSE EVANS-GORDON,**

**Defendants.**

**PLAINTIFF BRACKIN'S PROPOSED SPECIAL  
INTERROGATORIES TO JURY**

The jury interrogatories listed below is associated with certain claims raised by Brackin in her Second Amended Complaint and follows certain designated jury instructions which are filed contemporaneous with the instructions

**SPECIAL INTERROGATORIES  
TO THE JURY  
FOR INSTRUCTION NO. 1.1.1**

**Do you find from a preponderance of the evidence:**

1. That the actions of the Defendants were "under color" of the authority of the State?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

2. That the Plaintiff engaged in speech activity concerning the Defendants' belief that Plaintiff had advised a citizen that he had been wrongfully arrested and that a city official had been negligent?

Answer Yes\_\_\_ or No\_\_\_\_\_

3. That such speech activity was a substantial or motivating factor in the Defendants' decision to suspend the Plaintiff from employment and place her on two year probation?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

4. That the Defendants' acts were the proximate or legal cause of damages sustained by the Plaintiff?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

Note: If you answered No to any of the

preceding questions you need not answer any of the remaining questions.

5. That the Plaintiff would have been suspended from employment for other reasons even in the absence of the Plaintiffs protected speech activity?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

Note: If you answered Yes to Question No. 4 you need not answer the remaining questions.

6. That the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits during the period that she was suspended?

Answer Yes \_\_\_\_\_ or No\_\_\_\_\_

If your answer is Yes,  
in what amount? \$ \_\_\_\_\_

7. That the Plaintiff should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

If your answer is Yes,  
in what amount? \$ \_\_\_\_\_

8. That the Defendant acted with malice or reckless indifference to the Plaintiffs federally protected rights and that

punitive damages should be assessed against the Defendant?

Answer Yes\_\_\_\_ or No\_\_\_\_

If your answer is Yes,  
in what amount?

\$\_\_\_\_\_

SO SAY WE ALL.

DATED:\_\_\_\_\_

\_\_\_\_\_  
Foreperson

**SPECIAL INTERROGATORIES  
TO THE JURY  
FOR INSTRUCTION NO. 1.2.1**

**Do you find from a preponderance of the evidence:**

1. That the Plaintiff was discharged from employment by the Defendant?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

2. That the Plaintiffs race was a substantial or motivating factor that prompted the Defendant to take that action?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

Note: If you answered No to either Question No. 1 or Question No. 2 you need not answer the remaining question.

3. That the Plaintiff would have been discharged from employment for other reasons even in the absence of consideration of the Plaintiffs race?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

[Note: If you answered Yes to Question No. 3, you need not answer the remaining questions.]

4. That the Plaintiff should be awarded damages to

compensate for a net loss of wages and benefits to the date of trial?

Answer Yes\_\_\_\_ or No

If your answer is Yes,

in what amount? \$ \_\_\_\_\_ ]

5. That the Plaintiff should be awarded damages to  
compensate for emotional pain and mental anguish?

Answer Yes\_\_\_\_ or No\_\_\_\_\_

If your answer is Yes,

in what amount? \$ \_\_\_\_\_

6(a). That a higher management official of the Defendant acted with  
malice or reckless indifference to the Plaintiffs federally protected  
rights?

Answer Yes\_\_\_\_ or No\_\_\_\_\_

(b) If your answer to 6(a) is Yes, do you further find that the  
Defendant itself had not acted in a good faith attempt to comply with  
the law by adopting policies and procedures designed to prohibit  
such discrimination in the workplace?

Answer Yes\_\_\_\_ or No\_\_\_\_\_

(c) If your answers are Yes, to both 6(a) and (b), what amount  
of punitive damages, if any, should be assessed against the  
Defendant?

\$ \_\_\_\_\_ -

SO SAY WE ALL.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Foreperson

**SPECIAL INTERROGATORIES  
TO THE JURY  
FOR INSTRUCTION NO. 1.3.1**

**Do you find from a preponderance of the evidence:**

1. That the Plaintiff was discharged from employment by the Defendant?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

2. That the Plaintiffs race was a substantial or motivating factor that prompted the Defendant to take that action?

Answer Yes\_\_\_\_\_ or No\_\_\_\_\_

Note: If you answered No to either Question No. 1 or Question No. 2 you need not answer the remaining questions]

3. That the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits to the date of trial?

Answer Yes\_\_\_\_ or No\_\_\_\_\_

If your answer is Yes,  
in what amount? \$ \_\_\_\_\_

4. That the Plaintiff should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes\_\_\_\_ or No\_\_\_\_\_

If your answer is Yes,  
in what amount? \$ \_\_\_\_\_



5(a). That a higher management official of the Defendant acted with malice or reckless indifference to the Plaintiffs federally protected rights?

Answer Yes \_\_\_\_\_ or No \_\_\_\_\_

(b) If your answer is Yes, that the Defendant itself had not acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit such discrimination in the workplace?

Answer Yes \_\_\_\_\_ or No \_\_\_\_\_

(c) If your answer is Yes, what amount of punitive damages, if any, should be assessed against the Defendant? \$ \_\_\_\_\_

SO SAY WE ALL.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Foreperson

**RESPECTFULLY SUBMITTED,**

/s/Ishmael Jaffree  
Ishmael Jaffree (IXJ 002)

**Attorney for Plaintiffs,**  
THE LAW OFFICES OF  
ISHMAEL JAFFREE.  
800 Downtowner Blvd.  
Ste. 106 B  
Mobile, Alabama 36609  
PH: (251) 694-9090  
FAX: (251) 602-6842  
EMAIL:ishjaff@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Theodore P. Bell  
Carol Sue Nelson  
Audrey Dupont  
Maynard Cooper & Gale  
1901 Sixth Avenue North  
Birmingham Alabama 35203-2618

/s/Ishmael Jaffree  
Ishmael Jaffree